

January 6, 1986

MEMORANDUM

SUBJECT: Regulatory Status of Temporarily and Informally
Delisted Wastes

FROM: Marcia E. Williams, Director
Office of Solid Waste (WH-562)

TO: Solid Waste Branch Chiefs
Regions (I-X)

Over the past several months, there have been a number of questions regarding the status of informally excluded wastes (i.e., those persons who have submitted delisting petitions and who have been informed via letter that their wastes will be delisted). After discussions with enforcement personnel and the Office of General Counsel (OGC), we have determined that informal exclusions should be treated in the same manner as temporary exclusions, with one exception. This memorandum sets out our current policy with respect to informal exclusions.

Before doing that, however, I would like to review where we stand on those petitioners who have temporary exclusions. As you are aware, those persons who have been granted a temporary exclusion are those that were noticed in the Federal Register. See attached list. All of these exclusions terminate on November 8, 1986, unless the Agency grants these petitioners a final exclusion before that date. Each of the petitioners in this category, that have outstanding information requests, have been notified that unless the Agency receives a complete petition by a certain date, we will propose to deny their petition based on their petition being incomplete. The first such notice dealing with those petitioners who have temporary exclusions is expected to be published in the Federal Register by mid-January. The Agency has already published one such notice in the Federal Register (i.e., to deny petitions based on their being incomplete) for those petitioners who the Agency has not yet made any decision, see attachment.)

Faxback 11120

I hope this adequately responds to your request. If I can be of any further assistance, please feel free to give me a call at (202) 475-8551.

Sincerely,

Matthew A. Straus

Chief
Waste Identification Branch (WH562B)